

1 E. MARTIN ESTRADA
2 United States Attorney
3 CAMERON L. SCHROEDER
4 Assistant United States Attorney
5 Chief, National Security Division
6 AMANDA B. ELBOGEN (Cal. Bar No. 322505)
7 Assistant United States Attorneys
8 Terrorism and Export Crimes Section
9 1200 United States Courthouse
10 312 North Spring Street
11 Los Angeles, California 90012
12 Telephone: (213) 894-5748
13 Facsimile: (213) 894-0141
14 E-mail: Amanda.Elbogen@usdoj.gov

15 Attorneys for Plaintiff
16 UNITED STATES OF AMERICA

17 UNITED STATES DISTRICT COURT

18 FOR THE CENTRAL DISTRICT OF CALIFORNIA

19 UNITED STATES OF AMERICA,

20 No. CR 22-00603-DSF

21 Plaintiff,

22 v.
23 JOINT STATEMENT RE: DEFENDANT
24 ANDRE MORROW LACKNER'S RULE 11
PLEA

25 ANDRE MORROW LACKNER,

26 Defendant.

27 Plaintiff United States of America, by and through its counsel
28 of record, the United States Attorney for the Central District of
California and Assistant United States Attorney Amanda Elbogen, and
defendant ANDRE MORROW LACKNER ("defendant"), by and through his
counsel of record, Deputy Federal Public Defender Lisa LaBarre,
hereby submit this joint statement regarding defendant's Rule 11
plea.

29 GUILTY PLEA

30 1. Defendant is pleading guilty to the single-count indictment
31 in United States v. Andre Morrow Lackner, No. CR 2:22-00603-DSF,

which charges defendant with Stalking in violation of 18 U.S.C. § 2261A(2)(A), (B), and § 2261(b)(5).

NATURE OF THE OFFENSES

4 2. For defendant to be guilty of the crime charged in the
5 single-count indictment, that is, Stalking, in violation of Title 18,
6 United States Code, Sections 2261A(2) (A), (B) and 2261(b) (5), the
7 following must be true: (1) The defendant, with the intent to harass
8 or intimidate another person, (2) Used the mail, any interactive
9 computer service or electronic communication service or electronic
10 communication system of interstate commerce, or any other facility of
11 interstate or foreign commerce; (3) To engage in a course of conduct
12 that (A) placed that person in reasonable fear of the death of or
13 serious bodily injury to a person or an immediate family
14 member/spouse/intimate partner of that person, or (B) caused,
15 attempted to cause, or would reasonably be expected to cause,
16 substantial emotional distress to that person, or an immediate family
17 member of that person, or a spouse or intimate partner of that
18 person.

PENALTIES

20 3. The statutory maximum sentence that the Court can impose
21 for a violation of Title 18, United States Code, Sections
22 2261A(2)(A), (B) and 2261(b)(5), is: 5 years' imprisonment; a 3-year
23 period of supervised release; a fine of \$250,000 or twice the gross
24 gain or gross loss resulting from the offense, whichever is greatest;
25 and a mandatory special assessment of \$100.

26 4. Supervised release is a period of time following
27 imprisonment during which defendant will be subject to various
28 restrictions and requirements. If defendant violates one or more of

1 the conditions of any supervised release imposed, defendant may be
2 returned to prison for all or part of the term of supervised release
3 authorized by statute for the offense that resulted in the term of
4 supervised release, which could result in defendant serving a total
5 term of imprisonment greater than the statutory maximum stated above.

6 5. By pleading guilty, defendant may be giving up valuable
7 government benefits and valuable civic rights, such as the right to
8 vote, the right to possess a firearm, the right to hold office, and
9 the right to serve on a jury. Once the Court accepts defendant's
10 guilty plea, it will be a federal felony for defendant to possess a
11 firearm or ammunition. The conviction in this case may also subject
12 defendant to various other collateral consequences, including but not
13 limited to revocation of probation, parole, or supervised release in
14 another case, and suspension or revocation of a professional license.
15 Unanticipated collateral consequences will not serve as grounds to
16 withdraw defendant's guilty plea.

17 6. If defendant is not a United States citizen, the conviction
18 in this case makes it practically inevitable and a virtual certainty
19 that defendant will be removed or deported from the United States.
20 Defendant may also be denied United States citizenship and admission
21 to the United States in the future. While there may be arguments
22 that defendant can raise in immigration proceedings to avoid or delay
23 removal, removal is presumptively mandatory and a virtual certainty
24 in this case. Removal and immigration consequences are the subject
25 of a separate proceeding and that no one, including his attorney or
26 the Court, can predict to an absolute certainty the effect of his
27 convictions on his immigration status. Unexpected immigration

1 consequences will not serve as grounds to withdraw defendant's guilty
2 plea.

3 FACTUAL BASIS

4 7. If this case were to proceed to trial, the government would
5 be prepared to prove the following facts beyond a reasonable doubt:

6 Beginning in or around June 2021, and continuing to at least on
7 or about October 17, 2022, in Los Angeles County, within the Central
8 District of California, and elsewhere, defendant, with the intent to
9 harass and intimidate Victim 1, used an interactive computer service,
10 an electronic communication service, an electronic communication
11 system of interstate commerce, and other facilities of interstate and
12 foreign commerce, namely, cellular telephone networks, email,
13 interstate wires, and the Internet, to engage in a course of conduct
14 that placed Victim 1 in reasonable fear of death and serious bodily
15 injury to herself or an immediate family member, and caused,
16 attempted to cause, and would reasonably be expected to cause
17 substantial emotional distress to Victim 1 and immediate family
18 members of Victim 1.

19 8. Defendant's course of conduct included, among other things,
20 the following:

21 a. On or about June 13, 2021, defendant sent the
22 following text messages to Victim 1, which stated:

23 *Sometimes I wonder if The World is trying to turn me into a
24 murderer*

25 *So since everyone cuts me off and treats me like they don't
26 exist, maybe I am meant to give this world a message no one is
able to ignore*

27 *I feel like the only choice in life left, after I lose my mom,
28 is to either shoot myself or take a lot of people with me
because I'll never have friends again.*

1 b. Also on or about June 13, 2021, after Victim 1 sent
2 defendant messages encouraging him to seek help, and indicating that
3 if she received any similar messages from defendant going forward,
4 she would report them out of concern for defendant's safety and the
5 safety of those around him, defendant sent Victim 1 the following
6 text messages, which stated:

7 *Well I am being watched and have gotten the legal trouble
8 before, so being report would probably result in jail time for
9 me*

10 *But knowing you are this eager to get me thrown in the slammer,
11 just reinforces my belief that people hate me*

12 c. On or about August 14, 2021, after Victim 1 rejected
13 defendant's request to meet up in person, defendant sent Victim 1
14 several text messages to which Victim 1 did not respond, including
15 the following:

16 *. . . you're not the only Jew friend that's been fake to me and
17 cut me off . . . Not everyone can live up to Jewish standards
18 because we don't have the same cultural background or advantages
in society.*

19 *Delete my number and block me. Fuck pen pal bullshit. Hit me up
20 for the threesome if u change ur mind. peace [peace emoji]*

21 d. On or about October 31, 2021, defendant sent numerous
22 text messages to Victim 1 to which Victim 1 did not respond,
23 including the following:

24 *All the kikes cut me off. The Jew has no tolerance towards other
25 people that don't have the similar upbringing as them.*

26 *The Jews love gravitating towards black entertainers so they can
27 use them with their own selfish intentions, even if it's just to
be entertained. But at the end of the day these parasites are
only pursuing Zionist and Jewish interests*

1 The Asians are even worse, we need to start more Asian hate and
2 wipe these alien gooks off the planet too

3 Chinks and kikes are the only true protected groups. You can say
4 whatever you want about niggers and wetbacks nobody cares, but
 dare speak up about chang or shalom and youre cancelled

5 I'm tired of kikes putting me down all the time. Maybe Hitler
6 was on to something. You guys pretend to be multicultural so you
7 can get more power, you masquerade as people of color but at the
8 end of the day you were only concerned about jews, just like the
 groups who claim to be people of color that once they get into a
 favorable position they immediately discriminate against other
 minorities

9 I honestly wish I never went to Smc and didn't have to be around
10 the sheltered Jews that grew up with easy and safe lives, I
11 should've stayed with my own ghetto trash nigger kind. The Jews
12 and Chinks own everything in LA and I will never be accepted by
13 them, The Jews and Chinks own all the digital platforms where
 they spread hate speech and censor black people. Facey non-Jews
 as objects to be used. They must go.

14 And I wish these anne franks would stop fetishizing black men
15 and seeing us as sexual objects, because at the end of the day
 you will never marry outside of Jewish anyway

16 e. On or about January 22, 2022, defendant sent three
17 text messages to Victim 1 to which Victim 1 did not respond, stating:

18 I wish I could walk all these kikes to the gas chamber myself
19 Why do the Hebrew think that just because money is involved they
20 have the right to be arrogant nasty and disrespectful towards
21 everyone else in the workplace? I realize I don't hate white
22 people as much as the Jews, it's the Jews that have been
23 extremely rude and down pudding [sic]. You guys think you are
24 better than everyone else and talk down to everyone. You have
 zero tolerance towards anyone who doesn't fit your cultural
 standards. That's why you need to be walked back to the gas
 chamber where you belong.

25 And you pretend to be anti-racist because you know that you are
26 a minority yourself, but I see through your bullshit, and I want
 to see every single Jew exterminated from this earth

f. On or about March 7, 2022, defendant sent the following text message to Victim 1, to which Victim 1 did not respond:

Remember, Hitler was right about the kikes.

g. On or about March 8, 2022, defendant sent the following text message to Victim 1, to which Victim 1 did not respond:

Hey Jude

h. On or about August 7, 2022, defendant sent the following text messages to Victim 1, to which Victim 1 did not respond:

Would you like to celebrate the next synagogue shooting?

I used to hate white people until I realize the people who have been nasty in disrespectful To me all these years weren't white, they were Jewish. I sympathize more with neo-Nazis now because I understand that they were right

i. On or about October 17, 2022, defendant sent the following email to Victim 1, to which Victim 1 did not respond:

The more I learn about Jews and realize most of the disrespect, mistreatment, racism, and humiliation I received in my life wasn't from whites, but from Jews. I mistook you as the same race and realized it's the Jews who have caused most of the problems in my life and in the world today. You see us black people as your pets, your cattle to fetishize. That's why you had no problem putting me down for being poor and growing up in the ghetto Putting me down for not having a privileged Jew job. Putting me down for not growing up on the westside and have all society cater to me for being Jewish.

*Hitler was right about you people. The holocaust never happened.
And if it did, you deserved it.*

I will make sure I kill a Jew before I leave this earth.

SENTENCING FACTORS

2 9. In determining defendant's sentence, the Court is required
3 to calculate the applicable Sentencing Guidelines range and to
4 consider that range, possible departures under the Sentencing
5 Guidelines, and the other sentencing factors set forth in 18 U.S.C.
6 § 3553(a). The Sentencing Guidelines are advisory only. Defendant
7 cannot have any expectation of receiving a sentence within the
8 calculated Sentencing Guidelines range. After considering the
9 Sentencing Guidelines and the other § 3553(a) factors, the Court will
10 be free to exercise its discretion to impose any sentence it finds
11 appropriate up to the maximum set by statute for the crime of
12 conviction.

WAIVER OF CONSTITUTIONAL RIGHTS

14 10. By pleading guilty, defendant gives up the following
15 rights:

- a. The right to persist in a plea of not guilty.
 - b. The right to a speedy and public trial by jury.
 - c. The right to be represented by counsel -- and if
have the Court appoint counsel -- at trial. Defendant
says, however, that, defendant retains the right to be
represented by counsel -- and if necessary have the Court appoint
counsel -- at every other stage of the proceeding.

- 23 d. The right to be presumed innocent and to have the
24 burden of proof placed on the government to prove defendant guilty
25 beyond a reasonable doubt.

- 26 e. The right to confront and cross-examine witnesses
27 against defendant.

1 f. The right to testify and to present evidence in
2 opposition to the charges, including the right to compel the
3 attendance of witnesses to testify.

4 g. The right not to be compelled to testify, and, if
5 defendant chose not to testify or present evidence, to have that
6 choice not be used against defendant.

7 h. Any and all rights to pursue any affirmative defenses,
8 Fourth Amendment or Fifth Amendment claims, and other pretrial
9 motions that have been filed or could be filed.

10 Dated: January 24, 2024

Respectfully submitted,

E. MARTIN ESTRADA
United States Attorney

CAMERON L. SCHROEDER
Assistant United States Attorney
Chief, National Security Division

/s/
AMANDA B. ELBOGEN
Assistant United States Attorneys

Attorneys for Plaintiff
UNITED STATES OF AMERICA

Dated: January 24, 2024

CUAUHTEMOC ORTEGA
Federal Public Defender

/s/ per email authorization
LISA LABARRE
Deputy Federal Public Defender

Attorneys for Defendant
ANDRE MORROW LACKNER